

ORDINANCE 1998-06

AN ORDINANCE TO AMEND ARTICLE IX OF THE MUNICIPAL ZONING ORDINANCE OF THE TOWN OF ARLINGTON BY ADDING PROVISIONS FOR HOME OCCUPATIONS.

WHEREAS, pursuant to Tennessee Code Annotated, Section 13-7-201 through 13-7-204 empowered the Town of Arlington to adopt a municipal zoning ordinance and map and provide for its administration and enforcement; and,

WHEREAS, the Board of Mayor and Aldermen deem it necessary, for the purpose of promoting the health, safety, morals and general welfare of the Town to amend said Ordinance; and,

WHEREAS, pursuant to Tennessee Code Annotated, Section 13-7-203 and 13-7-204 the Arlington Municipal Planning Commission has reviewed the following proposed amendment and has recommended such amendment to the Arlington Board of Mayor and Aldermen; and,

WHEREAS, pursuant to Tennessee Code Annotated, Section 13-7-203 a public hearing was held before this body of which the time and place was published with fifteen (15) days advance notice in the East Shelby Review; and,

WHEREAS, all of the requirements of Sections 13-7-201 through 13-7-211 of the Tennessee Code Annotated with regards to the amendment of the Arlington Municipal Zoning Ordinance by the Planning Commission and subsequent action by the Board of Mayor and Aldermen have been met.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Arlington, Tennessee that the text of the Arlington Municipal Zoning Ordinance be revised by adding the following to Article IX:

9.3 Regulations Governing Home Occupations

9.3.1. Intent - The intent of the regulations set forth herein are to allow for home occupations within residential districts and to establish guidelines to ensure that; (1) the public interest has been adequately protected; (2) no change in the character of the surrounding neighborhood will occur; (3) no excessive noise, heat, increase traffic, parking, odor or hazard will result; (4) no strain or burden is placed on existing public facilities and services; and (5) the home occupation could not be located in a more appropriate zoning district as a use permitted by right thereby ensuring protection to similar uses located in other appropriate districts.

9.3.2. Review - Home occupation review is required under two (2) separate instances by the Arlington Municipal Zoning Ordinance. These instances include:

- a. The review and approval of a home occupation by the Mayor or his designee as permitted in Article 9.3.3 providing that all of the conditions and standards set forth in Article 9.3.4 are met. The Mayor or his designee reserves the right to refer any home occupation review to the Board of Zoning Appeals for approval. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the home occupation was disapproved.
- b. The review and approval by the Board of Zoning Appeals of any home occupation for use as a Special Exception. Special Exception would include any home occupation not listed in Article 9.3.3. The Board of Zoning Appeals may require such changes in the presented home occupation as may be necessary to minimize the impact of the required use upon the District.

9.3.3. Permitted Home Occupations - Permitted home occupations include, but are not necessarily limited to the following, provided all of the conditions and standards set forth in Article 9.3.4 are met by the applicant. Applications for home occupations not listed below are subject to approval by the Board of Zoning Appeals.

- a. Artist and Sculptors
- b. Authors, composers and musicians
- c. Dressmakers, seamstress and tailors
- d. Home crafts, such as model making, rug weaving, lapidary work
- e. Office facility of a rabbi, minister or priest
- f. Office facility of a salesperson, sales representative or manufactures representative provided that no retail or wholesale transactions are made on the premises.
- g. Desktop publishing and computer programming

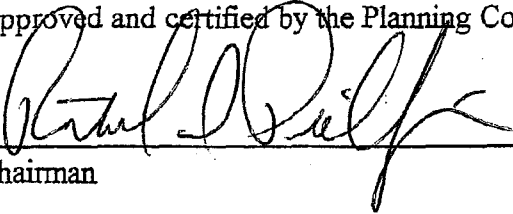
9.3.4. Performance Standards - Home occupations are permitted as an incidental and subordinate use in residential districts when the applicant submits to the Mayor/designee or the Board of Zoning Appeals (whichever is applicable to the application as provided in Article 9.3.3.) satisfactory evidence of compliance with all of the following conditions:

- a. Employees - A home occupation shall be conducted solely by the resident occupants in their residence.
- b. Incidental and Subordinate Uses - The applicant must clearly demonstrate that the home occupation is incidental and subordinate to the residential use. To ensure the incidental and subordinate character, the home occupations shall be limited to fifteen (15) percent of the total area of the first floor of the residence.
- c. Appearance - In no way shall the appearance of the structure be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
- d. Traffic - The additional parking generated by the home occupation shall take place on the site and the use may increase vehicular traffic flow by no more than one (1) additional vehicle at a time. The occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- e. Nuisance Controls - Home occupations shall not generate traffic, parking noise, vibrations, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.
- f. Utilities - The public utility cost (water, sewer, electricity, solid waste collection, etc.) incurred in the operation of the home occupation shall not exceed what is normal to the use of the property for residential purposes.
- g. Signs - No signage of any type shall be permitted for a home occupation.

9.3.5. Affidavit of Compliance and Business License - Application for the home occupation shall include an affidavit of compliance of the aforementioned standards on a form provided by the Town Administration. If the home occupation is approved, the applicant shall secure a Business License. The affidavit of compliance and business license shall be renewed annually to insure compliance with applicable municipal codes as well as laws of the State of Tennessee.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final reading and public notice in a newspaper of general circulation, the public health, safety, and welfare requiring it.

Approved and certified by the Planning Commission.



Chairman

4-20-98
(Date)

Attest:



Secretary of the Planning Commission

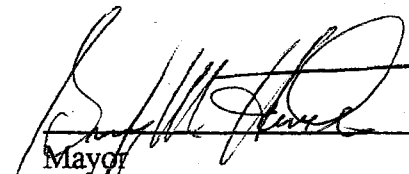
Approved by the Board of Mayor and Aldermen.

1st Reading 4-4-98
(Date)

2nd Reading 6-8-98
(Date)

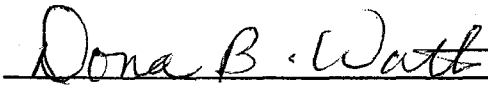
Public Hearing 6-8-98
(Date)

Publication 5-11-98
(Date)



Mayor

Attest:



Town Recorder